

**DECLARATION FOR UTILITY PATENT APPLICATION**

AS A BELOW-NAMED INVENTOR, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COMPOSITIONS AND METHODS FOR DETECTING RAPHIDOPHYTES**, the specification of which is attached hereto unless the following box is checked:

☐ was filed on \_\_\_\_\_ as United States Application Serial No. or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

WE HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/141,362	June 28, 1999

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
09/596,136	June 16, 2000	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1/31/2001  
Date

*John V. Tyrrell*  
Name: JOHN V. TYRRELL  
Residence: 201 Glenwood Circle, Apt. C, Monterey, CA 93940  
Citizenship: U.S.A.  
Post Office Address: 201 Glenwood Circle, Apt. C, Monterey, CA 93940

7<sup>th</sup> February 2001 P.R. Bergquist  
Date

*P.R. Bergquist*  
Name: PATRICIA R. BERGQUIST  
Residence: 3A Pukerangi Crescnt, Ellerslie, Auckland, New Zealand  
Citizenship: New Zealand  
Post Office Address: 3A Pukerangi Crescnt, Ellerslie, Auckland, New Zealand

6 February 2001  
Date

*P.R. Bergquist*  
Name: PETER L. BERGQUIST  
Residence: 3A Pukerangi Crescnt, Ellerslie, Auckland, New Zealand  
Citizenship: New Zealand  
Post Office Address: 3A Pukerangi Crescnt, Ellerslie, Auckland, New Zealand

2/1/01  
Date

*Ch. Scholin*  
Name: CHRISTOPHER A. SCHOLIN  
Residence: 623 Riverview Drive, Capitola, CA 95010  
Citizenship: U.S.A.  
Post Office Address: 623 Riverview Drive, Capitola, CA 95010

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL209765284US

Date of Deposit: February 9, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

  
CHASE J. TROMBELLA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

John V. TYRRELL, et al.

Serial No.: TO BE ASSIGNED

Filing Date: HEREWITH

For: COMPOSITIONS AND METHODS FOR  
DETECTING RAPHDOPHYTES

Examiner: TO BE ASSIGNED

Group Art Unit: TO BE ASSIGNED

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

MONTEREY BAY AQUARIUM RESEARCH INSTITUTE, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Laurie A. Axford (Reg No. 35,053)  
Joseph Barrera (Reg No. 44,522)  
Shantanu Basu (Reg No. 43,318)  
Frank P. Becking (Reg No. 42,309)  
Jonathan Bockman (Reg No. 45,640)  
Barry E. Bretschneider (Reg No. 28,055)  
Nicholas Buffinger (Reg No. 39,124)  
Mark R. Carter (Reg No. 39,131)  
Peng Chen (Reg No. 43,543)  
Thomas E. Ciotti (Reg No. 21,013)

Sanjay S. Bagade (Reg No. 42,280)  
Erwin J. Basinski (Reg No. 34,773)  
Richard R. Batt (Reg No. 43,485)  
Vincent J. Belusko (Reg No. 30,820)  
Kimberly A. Bolin (Reg No. 44,546)  
Tyler S. Brown (Reg No. 36,465)  
A. Randall Camacho (Reg No. 46,595)  
Robert K. Cerpa (Reg No. 39,933)  
Thomas Chuang (Reg No. P-44,616)  
Cara M. Coburn (Reg No. 46,631)

Matthew M. D'Amore (Reg No. 42,457)  
Peter Davis (Reg No. 36,119)  
Carolyn A. Favorito (Reg No. 39,183)  
Hector Gallegos (Reg No. 40,614)  
Kenneth R. Glick (Reg No. 28,612)  
Douglas G. Hodder (Reg No. 41,840)  
Peter Hsieh (Reg No. P-44,780)  
Madeline I. Johnston (Reg No. 36,174)  
Parisa Jorjani (Reg No. 46,813)  
Richard C. Kim (Reg No. 40,046)  
Kawai Lau (Reg No. 44,461)  
Lisa E. Marks (Reg No. 44,901)  
Gladys H. Monroy (Reg No. 32,430)  
Kate H. Murashige (Reg No. 29,959)  
Irene T. Pleasure (Reg No. 45,506)  
Paul J. Riley (Reg No. 38,596)  
Debra A. Shetka (Reg No. 33,309)  
Rebecca Shortle (Reg No. 47,083)  
Stanley H. Thompson (Reg No. 45,160)  
E. Thomas Wheelock (Reg No. 28,825)  
Thomas G. Wiseman (Reg No. 35,046)  
David T. Yang (Reg No. 44,415)  
George C. Yu (Reg No. 44,418)

Raj S. Davé (Reg No. 42,465)  
Stephen C. Durant (Reg No. 31,506)  
David L. Fehrman (Reg No. 28,600)  
Debra J. Glaister (Reg No. 33,888)  
Johny U. Han (Reg No. 45,565)  
Charles D. Holland (Reg No. 35,196)  
Wayne Jaeschke, Jr. (Reg No. 38,503)  
Richard D. Jordan (Reg No. 33,519)  
Ararat Kapouytian (Reg No. 40,044)  
Cameron A. King (Reg No. 41,897)  
Rimas T. Lukas (Reg No. 46,451)  
Michael J. Mauriel (Reg No. 44,226)  
Philip A. Morin (Reg No. P-45,926)  
Martin M. Noonan (Reg No. 44,264)  
Catherine M. Polizzi (Reg No. 40,130)  
Robert Saltzberg (Reg No. 36,910)  
Terri Shieh-Newton (Reg No. 47,081)  
Kevin R. Spivak (Reg No. 43,148)  
Michael R. Ward (Reg No. 38,651)  
Todd W. Wight (Reg No. 45,218)  
Frank Wu (Reg No. 41,386)  
Peter J. Yim (Reg No. 44,417)  
Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, telephone (415) 268-7000, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

Michael R. Ward  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482

Please direct all telephone communications to Michael R. Ward at (415) 268-6237.

MONTEREY BAY AQUARIUM  
RESEARCH INSTITUTE  
a California corporation

Dated: January \_\_, 2001



Name: Mike Pinto  
Title: Chief Financial Officer  
Address: 7700 Sandholdt Road, Moss Landing, CA  
95039